

MEMORANDUM

Agenda Item No. 7(C)

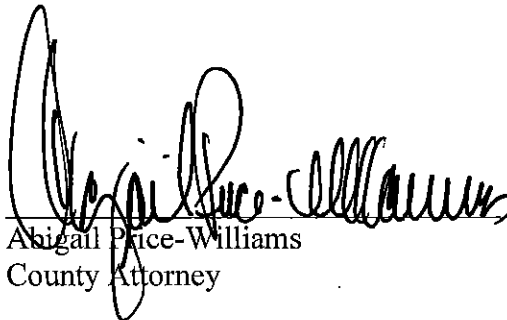
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 10-5-16)
June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to sale of
fishing tackle; creating section
14A-1 of the Code; requiring
business establishments selling
fishing tackle to display signs
regarding proper use and disposal
of fishing line and tackle to
protect seabirds and other
wildlife; providing for content of
signs and definitions; amending
section 8CC-10 of the Code to
provide penalties for failure to
display required signs

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Commissioner Audrey M. Edmonson.

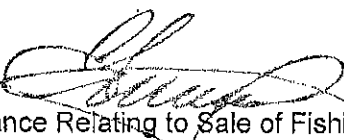

Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: October 5, 2016
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor
Subject: Fiscal Impact for Ordinance Relating to Sale of Fishing Tackle



The proposed ordinance related to the sale of fishing tackle creates Section 14A-1 of the Code of Miami-Dade County would require that all Miami-Dade County retail establishments selling fishing equipment or tackle post clearly visible signs regarding proper use and disposal of fishing line and tackle to protect seabirds and other wildlife.

The costs incurred by the County to notify the impacted retail establishments of this new requirement is negligible. Enforcement would be conducted on a complaint driven basis and incorporated into existing field enforcement activities. It is anticipated that civil violation penalties would cover enforcement costs. Therefore, adoption of the proposed ordinance should have no fiscal impact to Miami-Dade County.



Jack Osterholt
Deputy Mayor

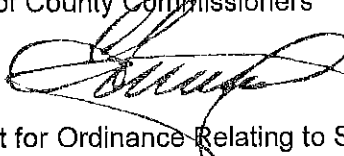
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Memorandum

MIAMI-DADE
COUNTY

Date: October 5, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Sale of Fishing Tackle

The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described in Ordinance No. 15-83. The proposed ordinance adds a requirement that retail establishments throughout Miami-Dade County selling fishing equipment or tackle post clearly visible signage, based on certain criteria, regarding discarded fishing lines, tackle, and contact information for injured seabirds. The costs associated with creating and posting the signs, as well as any enforcement actions as a result of non-compliance, will be borne by the retail establishment.



Jack Osterholt
Deputy Mayor

161265



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
10-5-16

ORDINANCE NO. _____

ORDINANCE RELATING TO SALE OF FISHING TACKLE;
CREATING SECTION 14A-1 OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA; REQUIRING BUSINESS
ESTABLISHMENTS SELLING FISHING TACKLE TO
DISPLAY SIGNS REGARDING PROPER USE AND
DISPOSAL OF FISHING LINE AND TACKLE TO PROTECT
SEABIRDS AND OTHER WILDLIFE; PROVIDING FOR
CONTENT OF SIGNS AND DEFINITIONS; AMENDING
SECTION 8CC-10 OF THE CODE TO PROVIDE PENALTIES
FOR FAILURE TO DISPLAY REQUIRED SIGNS; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

WHEREAS, Florida and, particularly, Miami-Dade County is the home of wide variety
of seabirds and marine wildlife; and

WHEREAS, Miami-Dade County also provides a wide array of exceptional fishing
opportunities for our residents and visitors in our coastal areas, shorelines and freshwater lakes
and canals; and

WHEREAS, each year fishing line and other fishing tackle such as lures, hooks and
sinkers enter into our marine environments, snag vegetation, marine debris, and coastal animals,
including seabirds, sea turtles, and marine mammals; and

WHEREAS, fishing line and tackle left in the marine environment create potential traps
for unsuspecting wildlife that become entangled or snared, leading to injury and death; and

WHEREAS, the Pelican Harbor Seabird Station is a local not-for-profit charitable
organization founded in 1980 dedicated to the rescue and rehabilitation of injured seabirds; and

WHEREAS, to educate the public and prevent needless death and injuries to our seabirds and marine wildlife, the Pelican Harbor Seabird Station has provided valuable input on the content of the warning signs provided for in this ordinance relating to the proper use and disposal of fishing line and tackle; and

WHEREAS, on May 3, 2016, the Mayor and City Commission of the City of South Miami, Florida unanimously adopted Resolution No. 085-16-14640, a copy of which is attached hereto, asking this Board to require establishments selling fishing tackle to display warning signs about the proper use and disposal of fishing tackle such as fishing line, hooks and sinkers to help protect this County's seabirds and wildlife; and

WHEREAS, this Board likewise wants to protect our marine wildlife and help educate the public, local fishing bait and tackle businesses and our sportsmen and sportswomen fishers to enjoy our marine waters but still preserve our seabirds and other marine wildlife,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 14A-1 of the Code of Miami-Dade County, Florida, is hereby created as follows:

>>Section 14A-1 – Warning Signs for Proper Use and Disposal of Fishing Tackle at Business Establishments Selling Fishing Line and Tackle.

1. Purpose. The purpose of this ordinance is to educate the public and prevent the needless harm and death of seabirds and other wildlife by the improper use and disposal of fishing line and tackle and shall be read broadly in light of that purpose.
2. Definitions. For the purposes of this section, the following definitions shall apply:
 - (a) A business establishment shall mean: (a) retail stores or other retail space, such as bait and tackle shops, whose primary merchandise consists of equipment and supplies used for fishing, including but not

limited to live and artificial bait, fishing rods, reels, hooks, lines, lures, sinkers, floats, or nets; (b) retail stores or other retail space that sell live fishing bait or sell or dispense fishing licenses; or (c) sporting goods stores or department stores that sell at retail fishing rods, lines, hooks, sinkers, lures or other fishing tackle. Small convenience stores, gas stations or other retail establishments that do not sell live bait, sell or dispense fishing licenses or whose primary merchandise does not consist of selling fishing equipment or tackle will not be subject to this section.

(b) *Fishing tackle* means the equipment used when fishing, including lines, hooks, sinkers, lures, floats, artificial bait, rods, reels, nets, gaffs, traps, waders, rigs, spears, spoons, or spinners.

(c) *Retail* shall mean sale to the ultimate consumer.

3. *Signage required for business establishments selling fishing tackle. All persons who own or operate a business establishment subject to this section that sells at retail any kind of fishing tackle shall conspicuously post a sign no smaller than 256 square inches (16" x 16"), with at least 40-point type, clearly visible, easily readable and immediately apparent upon viewing by members of the public and consumers at such establishments, providing the following language:*

Discarded fishing line and tackle leads to injury and death to pelicans and other seabirds.

How you can help

- Cast with care. Do not cast near birds or near areas where your line may get caught.
- Properly dispose of unwanted fishing line and tackle in the monofilament recycling containers found at marinas or in a garbage container with a lid.

If you hook a bird or find one in compromised health call the Pelican Harbor Seabird Station at (305) 751-9840 for assistance.

Don't kill pelicans with kindness by feeding them scraps or unwanted bait fish. Bones from large fish can cause internal injuries that may lead to infection and death. Be a friend to wildlife and keep wild animals wild.

4. Penalties. Persons failing to post signs as required by this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in Section 8CC of the Code of Miami-Dade County and to any other such enforcement proceedings as may be required by law. Every day a sign is not posted shall be a separate violation.<<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8CC-10. Schedule of Civil Penalties.

* * *		
Code Section	Description of Violation	Civil Penalty
* * *		
>>14A-1<<	>>Failure to post warning signs for proper use and disposal of fishing line and tackle<<	>>\$100.00 for first offense. \$500.00 for each subsequent offense<<

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Eduardo W. Gonzalez



Co-Prime Sponsors: Commissioner Sally A. Heyman
Commissioner Audrey M. Edmonson

RESOLUTION NO. 085-16-14640

A Resolution asking Miami-Dade County to require any establishment that sells any kind of fishing tackle to display warnings signs about proper use and disposal of fishing line, hooks, and sinkers to prevent needless deaths of seabirds in a very prominent place

WHEREAS, there presently exists no requirement to require any establishment that sells any kind of fishing tackle to display, in a very prominent place, warnings signs of at least 16" x 16" about proper use and disposal of fishing line, hooks, and sinkers to prevent needless deaths of seabirds; and

WHEREAS, because fishing line is thin and often clear, it is very difficult for birds and animals to see and they can easily brush up against it and become entangled in it; and

WHEREAS, once entangled, they may become injured, may drown, may become strangled, or may starve to death; and

WHEREAS, seabirds naturally try to eat seafood; and

WHEREAS, bait to catch fish is manufactured to resemble seafood; and

WHEREAS, many animals ingest fishing line, hooks, or sinkers, when it is disposed of with unused bait attached to it or around it; and

WHEREAS, improper disposal of fishing lures causes needless agonizing deaths of seabirds; and

WHEREAS, Pelican Harbor Seabird Station (PHSS) is a qualified facility that treats injured seabirds and other wildlife; and

WHEREAS, PHSS has a wealth of knowledge concerning how to properly dispose of fishing line, hooks, and sinkers to reduce harm to animals and can help create the warning signs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA THAT:

Section 1. The Mayor and Commission of the City of South Miami ask the Commission of Miami-Dade County to require every establishment that sells fishing tackle to display warning signs of at least 256 square inches (16" x 16") about proper use and disposal of fishing tackle and the reasons why, and what happens when guidelines approved by the Board of the Pelican Harbor Seabird Station are not complied with.

Section 2. If any section clause, sentence, or phrase of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this resolution.

Section 3. This resolution shall become effective immediately upon adoption by vote of the City Commission.

PASSED AND ADOPTED this 3rd day of May, 2016.

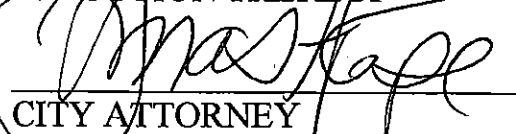
ATTEST:

APPROVED:


CITY CLERK


MAYOR

READ AND APPROVED AS TO FORM,
LANGUAGE, LEGALITY AND
EXECUTION THEREOF


CITY ATTORNEY

COMMISSION VOTE: 5-0

Mayor Stoddard: Yea

Vice Mayor Welsh: Yea

Commissioner Edmond: Yea

Commissioner Harris: Yea

Commissioner Liebman: Yea